

TIMOTHY NELSON, )  
)  
Plaintiff, )  
)  
v. ) No. 4:07CV1158 TCM  
)  
JONATHON ROSENBOOM, et al., )  
)  
Defendants. )

Before the Court is plaintiff's motion for joinder. Defendants have not responded to plaintiff's motion, and their time for doing so has passed.

Plaintiff, a civilly committed resident of the Missouri Sexual Offender Treatment Center (MSOTC), brings this action pursuant to 42 U.S.C. § 1983 alleging violations of his civil rights. Specifically, plaintiff asserts that he and two other residents tried to assist a fourth MSOTC resident who was being forcibly medicated, and as a result, the four residents were subjected to "physical assaults," "excessive force," and "unlawful arrest" by the defendants named in this action. In his motion for joinder, plaintiff seeks to add, as party plaintiffs, the three other residents involved in the incidents described in his complaint. Although all four individuals have signed the motion for joinder, they have not filed an amended complaint setting forth their joint claims, nor have the three new proposed plaintiffs

filed separate motions to proceed in forma pauperis. As such, the Court is unable to ascertain whether joinder is feasible and/or permissible under Federal Rule of Civil Procedure 20. Consequently, the Court will hold the motion for joinder in abeyance, and order plaintiff (and anyone seeking to proceed as a plaintiff) to file a joint amended complaint, signed by all parties seeking to be plaintiffs in this action.

In the amended complaint, plaintiffs<sup>1</sup> shall complete in its entirety the court-provided form for filing a complaint pursuant to 42 U.S.C. § 1983. Specifically, in the "Caption" on page 1 of the form complaint, plaintiffs must write the name of each and every defendant they wish to sue, and in the "Statement of Claim," they shall set forth as to each defendant who is named in the "Caption" the specific factual allegations supporting each of their claims against the particular defendant, as well as the specific rights that each of them claim the defendant violated. If plaintiffs need additional space to list the names of all the defendants or to set out their claims against each defendant, they must attach additional sheets of paper to the amended complaint and clearly identify them as part of their "Caption" or "Statement of Claim." Plaintiffs are advised that the amended complaint, should it be accepted by this Court, will supersede all of the complaints submitted to date,

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<sup>1</sup>Although the Court has not yet ordered the joinder of Messrs. Spencer, Sumpter, or Goddard, for ease of reference, the Court will refer to these individuals as "plaintiffs" in this Order.

and it will be the only complaint this Court reviews. Accordingly, all of the defendants plaintiffs wish to sue, and all of the claims they wish to include, should be included in the amended complaint.

Additionally, each individual who wishes to proceed in this action must also file with the Court a separate motion to proceed in forma pauperis, and affidavit in support, with the exception of plaintiff Timothy Nelson who has already been granted leave to proceed in forma pauperis.

Lastly, the plaintiffs are reminded that one pro se litigant cannot represent another pro se litigant, accordingly, all joint filings (with the exception of the individual motions to proceed in forma pauperis) must contain the signatures of all plaintiffs and/or proposed plaintiffs. If one of the proposed party plaintiffs fails to sign the amended complaint or fails to submit an individual motion to proceed in forma pauperis within the time allowed by this Court, the Court will not allow that individual to proceed as a party plaintiff in this matter.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for joinder [Doc. #28] will be held in abeyance.

**IT IS FURTHER ORDERED** that plaintiff, and any proposed plaintiffs, shall file a joint amended complaint within thirty (30) days of the date of this Order.

In filing the amended complaint, plaintiffs must comply with the instructions set forth in this Court's Order or risk denial of their request to join in this action.

**IT IS FURTHER ORDERED** that each individual who wishes to proceed in this action must file with the Court a separate motion to proceed in forma pauperis, and affidavit in support, with the exception of plaintiff Timothy Nelson who has already been granted leave to proceed in forma pauperis.

**IT IS FURTHER ORDERED** that, in addition to a copy of this Order, the Clerk shall forward to plaintiff Timothy Nelson the court-provided form for a prisoner to file a "Complaint Under the Civil Rights Act, 42 U.S.C. § 1983."

**IT IS FURTHER ORDERED** that plaintiffs' failure to amend their complaint in accordance with this Court's instructions will result in the Court's denial of their motion to join this action.

**IT IS FURTHER ORDERED** that upon the filing of the amended complaint, the Clerk shall resubmit this action to the Court for review pursuant to 28 U.S.C. § 1915(e).

Dated this 27th Day of February, 2008.

/s/Thomas C. Mummert, III  
THOMAS C. MUMMERT, III  
UNITED STATES MAGISTRATE JUDGE

